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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,982	10/21/2003	Paul A. Puniello	20002.0286	4180
23517	7590	10/06/2005		
SWIDLER BERLIN LLP 3000 K STREET, NW BOX 1P WASHINGTON, DC 20007			EXAMINER LEE, EDMUND H	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/688,982

Applicant(s)

PUNIELLO ET AL

Examiner

EDMUND H. LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 13, 16 and 21 are rejected under 35 U.S.C. 102(a) as being anticipated by Cavallaro et al (US 2002/0061790). Cavallaro et al teach the claimed process as evidenced by figs 1-12. It should be noted that Cavallaro et al also teach a core diameter reduction of at least about 1 percent, thus this implies that the effective modulus increased by about 5 to 40 percent.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cavallaro et al (US 2002/0061790). In regard to claim 1, Cavallaro et al teach the basic claimed process including a method of making a golf ball (figs 1-12); obtaining a solid core having a compression (figs 1-12); cooling the core, wherein the core has a first effective modulus at room temperature and wherein the cooling step causes the core effective modulus to increase by about 5 to 40 percent (figs 1-12)—as a note, this

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limitation is inherent with the cooling step of Cavallaro et al because Cavallaro et al also teach a core diameter reduction of at least about 1 percent; and forming a thin layer of material around the core (figs 1-12). Cavallaro et al, however, do not teach using a core having the claimed compression. The use of a core having a specific compression is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, cores having the claimed compression are well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a core having the claimed compression in the process of Cavallaro et al in order to form a diverse ball. In regard to claims 2-12, Cavallaro et al teach reducing the core diameter from about 0.3 to about 5 percent; and increasing the effective modulus above about 3000 psi—such is inherent with the process of Cavallaro et al since Cavallaro et al teach a core reduction of at least 1 percent. Cavallaro et al, however, do not teach using a core having the claimed diameter; injection molding the thin layer; contacting the injection molded layer with the cooled core within about 10 to about 50 seconds; forming a thin layer having the claimed thickness; using a dehumidification device; removing moisture from the surface of the cooled core; and using a core having the claimed properties of claim 12. In regard to using a core having the claimed diameter, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed core diameter is well-known in the molding art. Thus, it would have

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been obvious to one of ordinary skill in the art at the time the invention was made to use a core having the claimed diameter in the process of Cavallaro et al in order to mold a diverse golf ball. In regard to injection molding the thin layer, such is well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to injection mold the thin layer of Cavallaro et al in order to reduce cycle time. In regard to contacting the injection molded layer with the cooled core within about 10 to about 50 seconds, such is a well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to contact the injection molded layer of Cavallaro et al (modified) within about 10 to about 50 seconds in order to ensure that the core retains its cooled properties. In regard to forming a thin layer having the claimed thickness, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed thickness is well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form a thin layer having the claimed thickness in the process of Cavallaro et al in order to mold a diverse golf ball. In regard to using a dehumidification device, such is well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a dehumidification device in the process of Cavallaro et al in order to ensure proper bonding between the core and the thin layer. In regard to removing moisture from the surface of the cooled core, such is well-known in the molding art. Thus, it would have

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been obvious to one of ordinary skill in the art at the time the invention was made to remove moisture in the process of Cavallaro et al in order to ensure proper bonding between the core and the thin layer. In regard to using a core having the claimed properties of claim 12, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed core diameter is well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a claimed core of claim 12 in the process of Cavallaro et al in order to mold a diverse golf ball.

5. Claims 14-15, 17-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cavallaro et al (US 2002/0061790). The above teachings of Cavallaro et al are incorporated hereinafter. In regard to claims 14-22, Cavallaro et al do not teach using a core having the claimed diameter; using an inner cover layer as the golf component; injection molding the thin layer; forming a thin layer having the claimed thickness; and using a dehumidification device. In regard to using a core having the claimed diameter, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed core diameter is well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a core having the claimed diameter in the process of Cavallaro et al in order to mold a diverse golf ball. In

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regard to using an inner cover layer as the golf component, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, molding around an inner cover layer is well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mold around an inner cover layer by the process of Cavallaro et al in order to mold a diverse golf ball. In regard to injection molding the thin layer, such is well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to injection mold the thin layer of Cavallaro et al in order to reduce cycle time. In regard to forming a thin layer having the claimed thickness, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed thickness is well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form a thin layer having the claimed thickness in the process of Cavallaro et al in order to mold a diverse golf ball. In regard to using a dehumidification device, such is well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a dehumidification device in the process of Cavallaro et al in order to ensure proper bonding between the core and the thin layer.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EHL

EDMUND H. LEE  
Primary Examiner  
Art Unit 1732

  
10/3/05